

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DISHOND M. DIGGS,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No.: 2:23-cv-02156-RFB-DJA

ORDER

(ECF Nos. 6, 7)

I. DISCUSSION

On January 11, 2024, the Court denied Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a new fully complete application to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 3). In response, Plaintiff filed another incomplete application to proceed *in forma pauperis*. (ECF No. 4). The Court again denied Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a new fully complete application to proceed *in forma pauperis*. (ECF No. 5). In response, Plaintiff has filed two more incomplete applications to proceed *in forma pauperis*. (ECF Nos. 6, 7). In each of his applications to proceed *in forma pauperis*, Plaintiff has failed to include a complete financial certificate and a six-month account statement. The Court will give Plaintiff one final chance to file a complete application to proceed *in forma pauperis*, or pay the \$402 filing fee, on or before June 10, 2024.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed

1 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the
2 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
3 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
4 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
5 **inmate's prison or jail trust fund account statement for the previous six-month**
6 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
7 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
8 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

9 **II. CONCLUSION**

10 It is therefore ordered that the applications to proceed *in forma pauperis* failed at
11 ECF Nos 6, 7, are DENIED without prejudice.

12 It is further ordered that Plaintiff has **until June 10, 2024**, to either pay the full \$405
13 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
14 required documents: (1) a completed application with the inmate's two signatures on page
15 3, (2) a completed financial certificate that is signed both by the inmate and the prison or
16 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
17 six-month period.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
19 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
20 to refile the case with the Court, under a new case number, when Plaintiff can file a
21 complete application to proceed *in forma pauperis* or pay the required filing fee.

22 DATED THIS 14th day of May 2024.

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24 UNITED STATES MAGISTRATE JUDGE
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